



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gene LEE et al.

Appln. No.: 10/039,333

Group Art Unit: 1765

Filed: November 9, 2001

Examiner: B. Tran

Title: Method for Etching Tungsten
Using NF_3 and Cl_2

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**REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.111**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

In reply to the Office Action mailed May 8, 2003, the period for reply having been extended by petition to November 10, 2003 (November 8, 2003 falling on a Saturday), reconsideration and further examination of this application is hereby requested. Claims 1-21 are currently pending in the application.

A. The Anticipation Rejection

Claims 1 and 4-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Naeem (US 6551942). This rejection is respectfully traversed based on the following remarks.

The effective filing date of Naeem is June 15, 2001. Submitted herewith is the Declaration of Gene Lee Under 37 C.F.R. § 1.131 executed by a joint inventor in the present application.

Mr. Lee's Declaration (along with the supporting exhibit) serves as proof that the present invention was completed in this country

Date: November 7, 2003

Atty. Dkt. No.: 5545 (2616-012)

or a WTO member country prior to the June 15, 2001 critical date (i.e., the effective filing date) of the Naeem reference.

Thus, the Naeem reference has been removed from the prior art with respect to the present application. Accordingly, Applicant respectfully requests that the anticipation rejection of claims 1 and 4-9 be withdrawn.

B. The Obviousness Rejections

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being obvious over Naeem alone. Claims 4 and 10-18 have been rejected under 35 U.S.C. § 103(a) as being obvious over Naeem in view of Qian (US 6136211). Claims 19-21 have been rejected under 35 U.S.C. § 103(a) as being obvious over Naeem in view of Qian, and further in view of Davis (US 5164330). This rejection is respectfully traversed based on the following remarks.

As explained above concerning the anticipation rejection, the Naeem reference has been removed from the prior art with respect to the present application. All the obviousness rejections rely upon the Naeem reference as the primary evidence of obviousness and, with the Naeem reference unavailable, the Qian and Davis references do not provide sufficient teachings or suggestions so as to render the claimed invention obvious. Accordingly, Applicant respectfully requests that the obviousness rejections of claims 2-4 and 10-21 be withdrawn.

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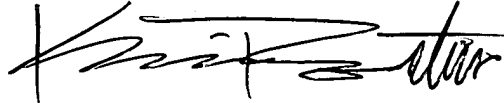
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C. Closing

For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 1-21. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

ROBERTS ABOKHAIR & MARDULA, LLC



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